

REMARKS

In the Office Action, the Examiner rejected claims 1-9 and 16-21 as being anticipated by U.S. Patent No. 6,189,378 to Kendrick et al. ("Kendrick") and stated that claims 10-15 would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Amendments to the Specification

Applicants amend the specification to correct a minor typographical error. No new matter is submitted with this amendment.

Amendments to the Claims

Applicants cancel claim 8, without prejudice or disclaimer, and amend claims 1, 16, 18, and 19, without otherwise adding new matter.

Allowable Claims

Applicants thank the Examiner for indicating that claims 10-15 are allowable. Because claim 14 is in independent form, however, Applicants assume that claim 14 is instead *allowed*, along with dependent claim 15. If the Applicants' assumption is incorrect, Applicants respectfully request clarification in the next office action, which Applicants also request be made non-final.

Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-9 and 16-21 as allegedly being anticipated by Kendrick. Applicants traverse this rejection based on the above Amendment and the following Remarks and respectfully request the Examiner to reconsider the rejection.

In the Office Action, the Examiner states that Kendrick discloses:

an electronically controlled fuel injector trimming including the following subject matters: modifying an engine speed control (col. 2, lines 10-44); interrupting at least one injection event (col. 2, line 61 through col. 3, line 4; and col. 3, lines 45-66); monitoring a change associated with an engine speed (col. 3, lines 5-44); and responsively trimming the injector (above discussions).

Office Action, paragraph 3. Applicants respectfully disagree and respectfully submit that Kendrick fails to disclose the recitations of the pending claims.

Applicants amend independent claims 1, 18, and 19 to recite, “trimming the injector in response to the change [of an engine speed].” Applicants also amend independent claim 16 to recite, “trimming each fuel injector in response to each fuel injector’s associated engine speed change.” Independent claim 20 recites, “trimming the first and second injection events as a function of the engine speed changes.” Because Kendrick fails to disclose any of these recitations, Kendrick does not anticipate any of these claims.

In particular, Kendrick fails to disclose either a method or apparatus that trims the interrupted fuel injector in response to a change in engine speed, as recited in the claims. Instead, Kendrick discloses:

The *PID control algorithm 204*, by sensing the desired and actual speed, *will compensate for the suspension of injector 130*. The actual engine speed will initially drop due to the disturbance of cutting out one of the injectors 130. This will increase the engine speed error (e_i) and, in one embodiment, the integral term of the governor 202 will increase until the actual engine speed reaches the desired engine speed. The result is an increase in the desired fuel quantity provided to the *remaining five injectors*. (Emphases added).

Kendrick, col. 4, lines 11-19. Furthermore, according to the preferred embodiments of Kendrick, “the analysis of the present invention is performed while the engine is under a constant desired speed and constant load.” *Id.* at col. 6, lines 41-43.

Although Kendrick discloses, “The actual engine speed will initially drop due to the disturbance of cutting out one of the injectors 130,” there is no disclosure that the interrupted fuel injector is trimmed in response to a change in engine speed. Instead, Kendrick discloses an analysis while the engine is under a constant desired speed by increasing desired fuel quantity to the non-cutout injectors. *Id.*

Therefore, Applicant respectfully submits that independent claims 1, 16, and 18-20 are not anticipated by Kendrick. Additionally, claims 2-7, 9-13, 17, and 21, which depend from one of these independent claims, are also therefore allowable. In view of the

aforementioned remarks, Applicants respectfully request the Examiner to withdraw this rejection.

Conclusion

Applicants respectfully submit that the application is in condition for allowance. If the Examiner has any questions or believes a telephone conversation might otherwise advance prosecution of this case, the Examiner is invited to call the undersigned.

Please grant any extensions of time required to enter this Response and charge any additional necessary fees to Deposit Account No. 03-1129.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael L. Woods', is written over a horizontal line.

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